REMARKS

It is initially noted that the finality of the rejection is premature and should be withdrawn as evidenced by the fact as stated in paragraph 3 of the Office action wherein the Examiner stated that the prior arguments are moot "in grounds of new rejection" which is interpreted to mean that the prior rejection was withdrawn in view of the new interpretation of Brennan et al. Since the claims were only cosmetically amended, the new ground of rejection could not have resulted from the amendments.

Claims 1, 24 and 41 have been amended. Claims 1 and 4 to 41 remain active in this application. The allowablility of claim 13 to 21 and 33 to 38 is noted with appreciation.

Claim 1 has been amended to remove the double inclusion of the term "response".

The oversight in claim 5 is regretted. The amendment did not alter the scope of the claim.

Claims 1, 4 to 11 and 41 were rejected under 35 U.S.C. 102(e) as being anticipated by Brennen et al. (U.S. 5,329,578). The rejection is respectfully traversed.

All of the claims have been amended to require that all of the claimed operations take place at the mobile station as opposed to a central or base station as appears to be the case of Brennen et al. This feature permits the subscriber to alter any or all of the claimed features at the mobile station rather than having this function performed at the central or base station and thereby provides the obvious advantages inherent in such capability.

Claim 1 requires providing a mobile station and, at the mobile station the step of creating a plurality of message response groups. No such step is taught or suggested by Brennen et al. either alone or in the combination as claimed.

As previously state, the patent to Brennen et al. is related to an entire different matter from that of the subject invention, namely to provide personal communication services wherein the subscriber can tailor the service to provide mobility and incoming message management. The invention relates to call routing as well as advising of the standard functions available in telephones service, namely who is calling, when the call is

TI-31690 - 14

made and the urgency of the call. The service profile in the data base is for the purpose of implementing these routing functions. Brennen et al. has nothing whatsoever to do with creation of a group of message response and the selecting a particular response or response group based upon identification of the caller. It follows that Brennan fails to teach or suggest creation of a group of message responses at the mobile station.

Claim 1 further requires, at the mobile station, the step of selecting a message response from the plurality of message response groups, in response to the identity of the calling party; and supplying the selected message response. No such steps are taught or suggested by Brennen et al. either alone or in the total combination as claimed.

Claim 4 to 11 depend from claim 1 and therefore define patentably over Brennen et al. for at least the reasons presented above with reference to claim 1.

Claim 4 further limits claim 1 by requiring that the step of selecting a message response group from the plurality of message response groups include selecting a message response group in response to factors including the time of day, communication activity level, and manual selection. No such step is taught or suggested by Brennen et al. either alone or in the combination as claimed since Brennen et al. fail to even teach or suggest message response groups.

Claim 5 further limits claim 4 by requiring that the step of creating a group of message responses include creating a hierarchy of message responses and that the method further includes the steps of creating a hierarchy of priority groups, inserting calling party identities into the priority groups and creating a matrix of the priority group hierarchy cross-referenced to message response hierarchy, wherein the step of selecting a message response from the group of message responses, in response to the identity of the calling

party, includes the steps of locating the calling party in a priority group and selecting a message response in reaction to locating the priority group. No such steps are taught or suggested by Brennen et al. either alone or in the combination claimed for reasons stated above.

Claim 6 further limits claim 5 by requiring the steps of receiving a calling party security code and; in response to receiving the security code, providing an override message response. No such steps are taught or suggested by Brennen et al. either alone or in the combination claimed for reasons stated above.

Claim 7 further limits claim 5 by requiring that the mobile station have a display mechanism and further have the step of showing the identity of the calling party regardless of the selected message response. No such steps are taught or suggested by Brennen et al. either alone or in the combination claimed for reasons stated above.

Claim 8 further limits claim 5 by requiring that the step of creating a hierarchy of priority groups include adding special identities to the hierarchy of priority groups, wherein creating a matrix of the priority group hierarchy cross-referenced to message response hierarchy includes cross-referencing the special identities to message responses; and wherein selecting a message response from the group of message responses, in response to the identity of the calling party, includes the steps of, prior to locating a calling party identity in a priority group, locating the calling party identity in the special identities and selecting a message response in response to locating the calling party in the special identities. No such steps are taught or suggested by Brennen et al. either alone or in the combination claimed for reasons stated above.

Claim 9 further limits claim 8 by requiring that the step of creating a plurality of message response groups include creating a plurality of message response hierarchies and the method further include the step of creating matrices of the priority group hierarchy cross-referenced to each of the plurality of message response hierarchies and that the step of selecting a message response group from the plurality of message response groups include identifying the priority group-message response matrix to be used for cross-referencing the located priority group. No such steps are taught or suggested by Brennen et al. either alone or in the combination claimed for reasons stated above.

Claim 10 further limits claim 9 by requiring the step of editing the matrices to modify a relationship between a priority group and a message response. No such step is taught or suggested by Brennen et al. either alone or in the combination claimed for reasons stated above.

Claim 11 further limits claim 10 by requiring the step of editing the matrices to modify the relationship between a calling party identity and a priority group. No such steps are taught or suggested by Brennen et al. either alone or in the combination claimed for reasons stated above.

Claim 41 requires at least one mobile station having a wireless communications port to accept calls and a remote site having a wireless communication port, a microprocessor, a software application of machine executable instructions, and a memory including a group of message responses, the remote site selecting a message response from the group of message responses in response to the identity of the calling party, and

the remote site communicating the selected response to the mobile station. The argument presented above with reference to claim 1 applies as well to this claim.

Claims 12, 22 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al. in view of Davis (U.S. 4,942,598). The rejection is respectfully traversed.

Claims 12 depends from claim 9 and claim 22 and 23 depend from claim 1 and therefore d efine p atentably o ve B rennan e t a l. for at l east t he reasons presented above with reference to claim 1 since Davis fails to overcome the deficiencies in Brennan et al. as noted above. with reference to claim 1.

In addition, claim 12 further limits claim 9 by requiring that the mobile station include a local memory, a microprocessor, and a software application of microprocessor instructions and that the method further include the steps of loading the selected priority group-message response matrix into the local memory and that the step of locating the calling party in a priority group include locating the calling party in a priority group stored in the local memory and that the step of selecting a message response in response to locating the priority group include selecting a message response stored in the local memory. No such steps are taught or suggested by Brennen et al., Davis or any proper combination of these references either alone or in the combination claimed for reasons stated above.

Claim 22 further limits claim 1 by requiring providing Caller ID services and the step of identifying the calling party includes using the Caller ID service to identify the calling party. No such steps are taught or suggested by Brennen et al., Davis or any

proper combination of these references either alone or in the combination claimed for reasons stated above.

Claim 23 further limits claim 1 by requiring that the step of identifying a calling party include determining a calling party identity from factors including the complete phone number, area code, unknown number, and blocked number. No such steps are taught or suggested by Brennen et al., Davis or any proper combination of these references either alone or in the combination claimed for reasons stated above.

Claims 24 to 32, 39 and 40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al. in view of Higuchi et al. (U.S. 2002/0058500). The rejection is respectfully traversed.

Claim 24 requires, among other features, a mobile station having means for identifying a calling party and selecting a message response from the group of message responses in response to the identity of the calling party. No such feature is taught or suggested by Brennen et al., Higuchi et al. or any proper combination of these references as discussed above with reference to claim 1.

Claims 25 to 32, 39 and 40 depend from claim 24 and therefore define patentably over Brennan et al. for at least the reasons presented above with reference to claim 24.

In addition, claim 25 further limits claim 24 by requiring that the mobile station further include indicators selected from the group including audible indicators, vibrator indicators, and a visual display indicators and that message responses include responses selected from the group including using an indicator to alert, not using an indicator to alert, responding with a busy signal, not alerting and recording the message, and

forwarding the call to another telephone. No such combination is taught or suggested by Brennen et al., Higuchi et al. or any proper combination of these references.

Claim 26 further limits claim 24 by requiring that the stored message response group be a message response group selected from a plurality of stored message response groups. No such feature is taught or suggested by Brennen et al., Higuchi et al. or any proper combination of these references either alone or in the combination as claimed.

Claim 27 further limits claim 26 by requiring that the mobile station further include a switch and that the message response group stored in memory be selected in response to factors including the time of day, communication activity level, and manual selection using the switch. No such features are taught or suggested by Brennen et al., Higuchi et al. or any proper combination of these references either alone or in the combination as claimed.

Claim 28 further limits claim 27 by requiring that the memory include calling party identities being stored in priority groups, the software application creating a matrix of the priority group hierarchy cross-referenced to the message response hierarchy, the software application locating the calling party in a priority group in response to the calling party being identified and selecting a message response in reaction to locating the priority group. No such feature is taught or suggested by Brennen et al., Higuchi et al. or any proper combination of these references either alone or in the combination as claimed.

Claim 29 further limits claim 28 by requiring that the mobile station memory include an override priority group and that the mobile station receive a calling party security code to trigger the override priority group and the software application provide the override message response from memory in response to receiving the security code.

No such feature is taught or suggested by Brennen et al., Higuchi et al. or any proper combination of these references either alone or in the combination as claimed.

Claim 30 further limits claim 28 by requiring that the mobile station further include a display and that the software application show the identity of the calling party on the display, regardless of the message response selected in reaction to locating the priority group. No such feature is taught or suggested by Brennen et al., Higuchi et al. or any proper combination of these references either alone or in the combination as claimed.

Claim 31 further limits claim 28 by requiring that special identities to the hierarchy of priority groups be stored in memory and cross-referenced to message responses and that the software application locate a calling party identity in the special identities and selects a message response in response to locating the special identity. No such feature is taught or suggested by Brennen et al., Higuchi et al. or any proper combination of these references either alone or in the combination as claimed.

Claim 32 further limits claim 31 by requiring that the memory include a plurality of message response hierarchies, and matrices of the priority group hierarchy cross-referenced to each of the plurality of message response hierarchies and that the software application identify the priority group-message response matrix to be used for cross-referencing the located priority group. No such feature is taught or suggested by Brennen et al., Higuchi et al. or any proper combination of these references either alone or in the combination as claimed.

Claim 39 further limits claim 24 by requiring that the wireless communication network provide Caller ID services and that the mobile station identify the calling party using the Caller ID services provided by the wireless communications network. No such

feature is taught or suggested by Brennen et al., Higuchi et al. or any proper combination of these references in the combination as claimed.

Claim 40 further limits claim 24 by requiring that the mobile station software application identify a calling party from factors including the complete phone number, local area exchange, area code, unknown number, and blocked number. No such feature is taught or suggested by Brennen et al., Higuchi et al. or any proper combination of these references in the combination as claimed.

In view of the above remarks, favorable reconsideration and allowance are respectfully requested.

Respectfully submitted,

Jay M. Cantor
Attorney for Applicant(s)
Reg. No. 19,906

Texas Instruments Incorporated
P. O. Box 655474, MS 3999
Dallas, Texas 75265
(301) 424-0355 (Phone)
(972) 917-5293
(301) 279-0038 (Fax)